

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

UNITED STATES OF AMERICA :
: Criminal No. 20-mj-316-JCN
v. :
: KATRINA PREBLE :
:

UNOPPOSED MOTION FOR COMPETENCY EXAMINATION

NOW COMES undersigned counsel for the Defendant and hereby moves this Honorable Court pursuant to Title 18, United States Code, § 4241, for a psychological or psychiatric examination of the Defendant and subsequent hearing to determine whether the Defendant is competent to proceed with necessary court hearings and assist in her own defense. Counsel has conferred with Assistant United States Attorney Andrew McCormack regarding the relief sought hereby and Mr. McCormack indicates that the Government has no objection thereto.

Undersigned counsel respectfully represents that based on an initial review of file materials and personal observations and interactions with the Defendant, counsel has concerns that Defendant may not be competent to undergo initial proceedings, to stand trial and/or to assist counsel in the presentation of a defense to the charges contained in the Complaint.

In order to find a defendant incompetent, this Honorable Court must find by a preponderance of the evidence that the Defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or assist properly in her defense.

Pursuant to 18 U.S.C. § 4241(b) a psychiatric or psychological examination and report of the Defendant is requested. It is requested that this examination be completed by the Bureau of Prisons. After the report is filed, counsel requests a hearing on the issue of competency pursuant to 18 U.S.C. § 4241(c). Finally, Defendant moves to extend all pretrial deadlines and to continue proceedings in this matter until a date after the examination and hearing has occurred.

WHEREFORE, for all of the foregoing reasons, including that the motion is unopposed, undersigned counsel respectfully requests this Court to order a psychological or psychiatric examination and report on Katrina Preble, to hold a hearing to determine her mental competency to proceed, to reset all pretrial deadlines and to continue initial proceedings and trial of this matter until after said hearing has occurred and for such other and further relief as the Court deems proper.

Respectfully submitted,

Dated: November 18, 2020

/s/ James S. Nixon
James S. Nixon, Esquire
Assistant Federal Defender
Office of the Federal Defender
23 Water Street, Suite 206
Bangor, Maine 04401
Attorney for Defendant

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CERTIFICATE OF SERVICE

I, James S. Nixon, Esquire, Assistant Federal Defender for the District of Maine, hereby certify that on November 18, 2020 I electronically filed the Unopposed Motion for Competency Examination with the Court via the CM/ECF electronic filing system which will send notification of such filing via said system electronically on the 18th day of November, 2020 to the following persons:

Andrew McCormack, Assistant U.S. Attorney
U.S. DEPARTMENT OF JUSTICE
202 Harlow Street, Rm 111
Bangor, Maine 04401
Andrew.McCormack@usdoj.gov

Dated: November 18, 2020

/s/ James S. Nixon

James S. Nixon, Esquire
Assistant Federal Defender
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23 Water Street, Suite 206
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Attorney for Defendant